

// A special meeting of the Council of the City of Lynchburg, recessed from October 14, was held on the 28th day of October, 2003, at 2:00 P.M., in the Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Adams, Barksdale, Foster, Garber, Seiffert, Hutcherson

6

Absent: Dodson

1

// Mayor Hutcherson announced that the items on the agenda have been rearranged.

// Building Commissioner Karl Cooler provided an overview regarding proposed changes to the City's Building ordinance, explaining that major revisions of this ordinance have necessitated both a revision of language and re-numbering of reference numbers for this ordinance. Mr. Cooler explained that the changes will ensure that the City complies with all current requirements to fully enforce the provisions of the Virginia Uniform Statewide Building Code. Mr. Cooler was asked to make one clerical change to Section 11-73. Mr. Cooler explained that formal adoption of the proposed changes to the City's Building ordinance is scheduled for the 5:00 p.m. meeting.

// Deputy City Manager Bonnie Svrcek explained that as a result of City Council's August retreat, staff has prepared a matrix of Action Items for review. Ms. Svrcek noted that the items on the list are a compilation of items that Council either identified for the first time in August or items that Council had previously identified and for which there has been no action, resolution, or closure. Ms. Svrcek went on to say that associated with each Action item is the status of the item or a recommendation and in most instances the name of a person that has been assigned to be accountable for the Action item.

// Vice Mayor Dodson arrived at 2:50 p.m. during discussion of this agenda item.

// Following a review of each item, Ms. Svrcek stated that the Action Item list would be updated to incorporate City Council's changes and scheduled for a future work session for formal approval.

// City Manager Kimball Payne provided an update regarding the Academy of Fine Arts, the organization created with the merger of the Academy of Music and the Lynchburg Fine Arts Center. Mr. Payne explained that the Academy has reached a tentative agreement to sell its Thomson Drive property to Centra Health for \$1.8 million. Mr. Payne went on to say that in order to take advantage of Centra's offer, the Academy must vacate the Thomson Drive facility by June 30, 2004, which means that it will have to complete \$4.8 million worth of construction on the small studio theater and the Price-Clements classroom building at its downtown complex. Mr. Payne stated that close to \$800,000 of that construction has already been completed, and with the \$1.8 million from Centra Health, the Academy is asking for \$1.2 million from the City, leaving it with another million dollars to raise on its own. Mr. Payne noted that the City has contributed \$920,000 in money and services to the project thus far, and that the success at the Academy would also help business at the Holiday Inn Select across the street in addition to cleaning up this gateway to the City. In response to Council questioning, Mr. Payne explained that the \$1.2 million would come from the City's undesignated fund balance, a reserve fund the City maintains strictly for one-time expenditures. Mr. Payne noted that if City Council chose to contribute the \$1.2 million, that the first

reading on the appropriation ordinance would be needed at this meeting and that the second reading would occur following a public hearing on November 11. In response to Council questioning, Susan Ackley, Academy of Fine Arts Treasurer, explained that not a whole lot of fundraising has gone on during the past six months because the Academy and the Fine Arts Center have been working on the merger, but that the Academy is ready to immediately begin a fundraising campaign to raise the \$1 million. Several Council Members expressed support for funding the \$1.2 million, explaining that the offer from Centra Health makes this an opportune time to invest in the project, that it would clean up the City's gateway, and that an entertainment district downtown would be important to the economic development of the City. Council Member Seiffert stated that although this is a great project, that it is not the role of government to keep funding special interest groups. Mr. Seiffert stated that he would support the appropriation if the Academy pledged not to take advantage of the 10-year real estate tax moratorium the City offers for rehabilitated properties, thereby giving the taxpayers an immediate return on their investment. Council Member Garber stated that he could also support the appropriation if the Academy agrees to forego the 10-year real estate tax moratorium. Council Member Adams made a motion, seconded by Council Member Foster, to appropriate \$1.2 million for capital construction to the Academy of Fine Arts. Council Member Seiffert made a substitute motion, seconded by Council Member Garber, to appropriate \$1.2 million for capital construction to the Academy of Fine Arts on the condition that the Academy of Fine Arts agree not to take advantage of the 10-year real estate tax moratorium the City offers for rehabilitated properties, and Council by the following recorded vote defeated the substitute motion:

Ayes: Garber, Seiffert 2

Noes: Adams, Barksdale, Dodson, Foster, Hutcherson 5

The vote was called on the original motion, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-173, as presented, amending the FY2004 General Fund Budget in the amount of \$1.2 million, with revenues from the undesignated Fund Balance, and appropriating the same amount to the Capital Projects Fund to be used to support the capital construction of the Academy of Fine Arts:

Ayes: Adams, Barksdale, Dodson, Foster, Hutcherson 5

Noes: Garber, Seiffert 2

// Legislative Liaison Linda McMinimy presented an overview regarding the City's Draft 2004 Legislative Agenda. Following review, it was the consensus of City Council to approve the 2004 Legislative Agenda with a couple of corrections.

// During roll call, and in response to Council Member Foster's question, City Manager Kimball Payne stated that staff has responded to the elderly couple regarding problems with their trash cart. In response to Council Member Adams' question regarding responsibility for replacing two trees in the public right-of-way on the corner of Langhorne Road/Rivermont Avenue in the vicinity of the Villa Academy, City Manager Payne stated that he would see that the location is added to the City's replacement tree list.

Council

Member Seiffert informed of missing chunks of pavement in the roadway in the vicinity of Hill Street/Langhorne Road. Mayor Hutcherson asked staff to forward to Ms. Ruby Bassett information on what the City plans to do in her neighborhood so that she can share that information with her neighbors. Mayor Hutcherson informed of vicious dogs at 13th and Pierce Streets, and questioned if City Council would be willing to move the December 9 Council meetings to December 16 since both he and Council Member Barksdale will be out-of-town. No decision was reached regarding changing the date for the December 9 Council meetings.

// The meeting was adjourned at 4:43 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of October, 2003, at 5:00 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Vice Mayor Dodson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the October 14, 2003 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Schools - General, Resolution #R-03-160 amending the FY2004 General Fund Budget and appropriating \$70,183 for transfer to the School Operating Fund for funds unexpended during FY2002 and to amend the FY2004 School Operating Fund budge, laid over from the October 14, 2003 meeting, was again presented and read, and on motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Schools - General, Resolution #R-03-161 amending the FY2004 General Fund budget and appropriating \$123,969 to provide funding for the over expenditure Elizabeth Kizer Elementary School renovation, laid over from the October 14, 2003 meeting, was again presented and read, and on motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Library - General, Resolution #R-03-162 amending the General Fund Budget and appropriating \$2,000, fully reimbursable, to support the Library Volunteer Program, laid over from the October 14, 2003 meeting, was again presented and read, and on motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Human Services - General, Resolution #R-03-163 amending the General Fund Budget and appropriating \$60,818, fully reimbursable, for child care administration, laid over from the October 14, 2003 meeting, was again presented and read, and on motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Recreation - General, Resolution #R-03-164 amending the FY2004 General Fund budget and appropriating \$36,000, fully reimbursable, from Lynch's Landing for its share of the cost of a mobile stage, laid over from the October 14, 2003 meeting, was again presented and read, and on motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, Resolution #R-03-165 amending the FY2004 City/Federal/State Aid Projects Fund budget and appropriating \$24,370, fully reimbursable, for the purchase of bullet proof vests, laid over from the October 14, 2003 meeting, was again presented and read, and on motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Council, Joseph Catlett provided an overview of his karate and fitness program, explaining that he would like to expand the program and offer it to more youth in the community. Mr. Catlett requested that City Council consider funding such an endeavor. Vice Mayor Dodson suggested that Mr. Catlett apply for Community Development Block Grant funds, and Mayor Hutcherson stated that he would contact Mr. Catlett to let him know what he needed to do to apply for those funds.

// In the matter of Chamber of Commerce, City Council Report #9 was considered. Mr. Don Sutton, Chair of the Jamestown 2007—Come Home to Lynchburg Steering Committee, provided an overview regarding efforts to promote Lynchburg during the upcoming observance and celebration of the 400th anniversary of Virginia and Jamestown, the first permanent English settlement in the New World. Mr. Sutton stated that Lynchburg has been selected to be one of the charter members of the Virginia 2007 Community Program, which has been established to encourage communities across the Commonwealth to join the commemoration by planning legacy projects and special events that showcase their unique history and heritage.

// In the matter of Community Planning - Zoning, City Council Report #10 regarding granting the Conditional Use Permit at 2002, 2004 Wards Ferry Road to allow the construction of townhouse units for sale in an R-3, Two-Family Residential District was again considered. City Traffic Engineer Gerry Harter presented an overview regarding the traffic analyses completed for the proposed project. Mr. Harter explained that the developer would need to construct a right-turn lane into the site since the sight distance obstructions to the east would not be efficiently removed as they fall on property not owned by the developer. Mr. Harter also noted that due to the low estimated volume of traffic in the p.m. peak hour, a left-turn lane is not required to be installed into the site. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-03-174, as

presented, granting the Conditional Use Permit at 2002, 2004 Wards Ferry Road to allow the construction of townhouse units for sale in an R-3, Two-Family Residential District:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Museum, City Council Report #11 was considered. City Manager Kimball Payne provided an overview regarding the request. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted Resolution #R-03-175, as presented, regarding the use of State Historic Tax Credits for the renovation of the Historic Courthouse Museum:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #12 was considered. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-176, as presented, amending the FY2004-2009 Capital Improvement Plan and the FY2004 CIP budget by reallocating \$348,740 of the \$725,000 from the Atherholt Road Extension project to the Irvington Springs Road improvements project:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code, City Council Report #13 was considered. On motion of Council Member Seiffert, seconded by Council Member Barksdale, Council by the following recorded vote adopted Ordinance #0-03-177, as presented, amending the City Code relating to Building Code enforcement:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// On motion of Council Member Adams, seconded by Council Member Foster, Council by the following seconded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions and for consultation with legal counsel and briefings by staff members regarding a specific legal matter involving a contract which requires the provision of legal advice pursuant to Section 2.2-3711(A)(1) and (7), respectively, of the Code of Virginia, as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Adams made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to

the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Vice Mayor Dodson, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

// On nomination of Council Member Adams, Council by the following recorded vote appointed Lisa Dibble and Barbara Hartley to serve on the Transit Company Board for terms to expired October 31, 2006

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	7
Noes:	0

// City Council continued its earlier work session discussion regarding moving the December 9 Council meetings to December 16 since both Mayor Hutcherson and Council Member Barksdale would be out-of-town on the 9th. On motion of Council Member Foster, seconded by Council Member Barksdale, Council by the following recorded vote agreed to move the City Council meetings on December 9 to December 16:

Ayes: Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson	6
Noes: Adams	1

// The meeting was adjourned at 6:04 P.M.

Clerk of Council